

**DELEGATION OF AUTHORITY
SOLID WASTE DISPOSAL ACT**

**Administrative Enforcement: Agency Representation in Hearings and Signing of
Consent Agreements (Subtitle I)**

1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to:
 - a. Represent the Agency in administrative enforcement actions following the issuance of an administrative complaint or corrective action order under Subtitle I of the SWDA;
 - b. Negotiate consent agreements between the Agency and respondents resulting from such enforcement actions;
 - c. Sign consent agreements between the Agency and respondents resulting from such enforcement actions;
 - d. Initiate an appeal from an administrative determination;
 - e. Represent the Agency in such appeals pursuant to the SWDA; and,
 - f. Assign appropriate personnel to perform the functions specified in paragraph (a).
2. **TO WHOM DELEGATED.**
 - a. Authorities 1.a., 1.b., and 1.e. are redelegated through the Regional Counsel, or equivalent, to Attorneys in the Office of Regional Counsel, or equivalent.
 - b. Authority 1.c. is delegated to the Director, Office of Compliance and Enforcement, or equivalent
 - c. Authorities 1.d and 1.f. are delegated through the Director, Office of Compliance and Enforcement, or equivalent, to the Manager, Ground Water Unit, or equivalent.
3. **LIMITATIONS.**
 - a. This authority may only be exercised after the alleged violator files an answer to an administrative complaint or corrective action order or fails to

file an answer within the period set by rule or by the administrative complaint or corrective action order.

- b. Before the Regional Administrator, or delegatee, initiates an appeal or determines that an appeal is unnecessary for an adverse decision, the Regional Administrator, or designee, must receive concurrence from the Assistant Administrator for Enforcement and Compliance Assurance, or designee.
- c. The Regional Administrator, or delegatee, may exercise the authority only for those cases commenced by the Region.
- d. Before the Regional Administrator, or delegatee, exercises the authorities in 1.a. through 1.d. at a Federal facility, the Regional Administrator, or designee, must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or designee.

4. **REDELEGATION AUTHORITY.**

- a. Authorities 1.a., 1.b., 1.d., 1.e., and 1.f. may not be redelegated.
- b. Authority 1.c. may be delegated to regional attorneys.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **SUPERSESSSION.** This delegation supersedes delegation R10 8-26 (05/19/10) and any other prior delegation of the same authorities.

6. **ADDITIONAL REFERENCES.**

- a. Delegation 8-26 (2/26/10)
- b. Delegation 8-9-B
- c. Delegation 8-35

11/15/16
Date


Dennis J. McLerran
Regional Administrator